IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1494 OF 2005
A/W CIVIL APPLICATION NO.2129 OF 2005

Trimbak Krishna Borade,
since deceased through
Anjanabai Trimbak Borade, .. Appellant.

Vs

1. Ramkishore B.Verma and ors. .. Respondents.

Mr.Ambar Joshi, for the appellant.
Mr R.P.Mudholkar, for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATED : 04th JULY, 2007

P.C.:

1. Heard the learned counsel for the parties.

2. This Second Appeal is directed against concurrent findings recorded by the courts below by which a suit filed by the respondents-plaintiffs for recovery of possession has been decreed. Mr.Joshi, learned counsel for the appellant, at the outset, invited my attention to the cross-examination of Ramkishore Verma- plaintiff in the suit and submitted that he had admitted to have received Rs.40,000/-. Similar argument was advanced before the first appellate court. The appellate court in paragraphs 14 and 15 of the impugned judgment has considered and dealt with the said argument holding that the word "not" in the relevant sentence in the cross-examination

of the plaintiff was cut down by the presiding officer from the said sentence through inadvertence. Considering the reasons recorded in paragraphs 14 and 15 in particular of the appellate court judgment, I find absolutely no merit in the contentions urged by the learned counsel for the appellant. Considering that there are concurrent findings of facts recorded by the courts below and as I find sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court to interfere with the said findings in the second appeal, this appeal deserves to be dismissed. The second appeal is dismissed. As a consequence thereof, the civil application stands disposed of.

. At this stage, Mr. Joshi, learned counsel for the appellant, prays for time to vacate the suit premises. Considering the overall facts and circumstances of the case, I am inclined to accept the prayer, hence the following order. Time to vacate the suit premises is granted till the end of October,2007 subject to the appellant filing an usual undertaking in this Court within a period of two weeks from today.

(D.B.BHOSALE,J.)